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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDRE McCLENDON,

Petitioner,

vs.

JAMES TILTON, Director of
Corrections CDCR, BOARD OF
PAROLE HEARINGS,

Respondents.

C 10-3967 MMC(PR)

ORDER OF TRANSFER

On September 2, 2010, petitioner, a California prisoner incarcerated at the California Medical Facility in Vacaville, California, and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He challenges the Board of Parole Hearing's 2009 decision denying him parole. Petitioner has paid the filing fee.

Pursuant to 28 U.S.C. § 2241, venue for a habeas action is proper in either the district of confinement or the district of conviction, and the district in which the petition is filed may transfer the petition to such other district in the furtherance of justice. See 28 U.S.C. § 2241(d); see, e.g., Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). If the petition is directed to the manner in which a sentence is being executed, such as parole or time credit claims, the district of confinement is the preferable forum. See Habeas L.R. 2254-3(a);

1 Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989); see also Dannenberg v. Ingle, 831 F.
2 Supp. 767, 767 (N.D. Cal. 1993) (holding petition challenging conviction or sentence should
3 be heard in district of conviction).


4 The California Medical Facility, where petitioner is confined, is located in Vacaville,
5 which is located in Solano County, which, in turn, is located within the venue of the Eastern
6 District of California. See 28 U.S.C. § 84(b). Under such circumstances, and given the
7 nature of petitioner's claims, the Eastern District is the preferable forum.

8 Accordingly, the above-titled action is hereby TRANSFERRED to the United States
9 District Court for the Eastern District of California. See 28 U.S.C. § 1404(a); Habeas L.R.
10 2254-3(b).

11 The Clerk shall close the file.

12 IT IS SO ORDERED.

13 DATED: November 19, 2010

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15 MAXINE M. CHESNEY
16 United States District Judge
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